

BERNALILLO COUNTY

BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. 2020-20

REQUIRING COMMUNITY WORKFORCE AGREEMENTS FOR CERTAIN PUBLIC WORKS CONSTRUCTION PROJECTS

WHEREAS, a variety of construction skills and crafts are required to complete the construction work on the construction projects under the jurisdiction of the County;

WHEREAS, taxpayers and citizens within the County are best served if the construction work on construction projects proceeds in an orderly manner without disruption caused by strikes, work stoppages, picketing, lockouts, slowdowns, or other interference with the work on projects;

WHEREAS, the special needs of County-funded construction projects require the maintenance of a spirit of harmony, labor-management peace, and stability;

WHEREAS, the County desires to provide opportunities for workforce development and pre-apprenticeship programs that include life skills training and job readiness training;

WHEREAS, these workforce opportunities will help residents of Bernalillo County succeed and reduce unemployment; and

WHEREAS, the use of a Community Workforce Agreements on certain projects will serve as a tool in support of the goals of the County to foster labor management relations, open communication, construction quality, as well as bolster workforce opportunities and efficiency.

Section I. Title and Purpose

This Ordinance may be cited as the “Community Workforce Agreement Ordinance.” The Board of County Commissioners intends to add this new Article 5 to Chapter 2 to require the use of Community Workforce Agreements on certain Public Works Construction Projects in Bernalillo County.

Section 2. Definitions

For purposes of this Chapter, certain words and phrases used are defined as follows:

- (a) “Community Workforce Agreement” shall mean a prehire collective bargaining agreement with one (1) or more labor organizations or with their representative(s) that establishes the terms and conditions of employment for a specific Public Works Construction Project.

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1 (b) “Contractor” shall mean a person entering into or performing a Public Works
2 Construction Project.

3
4 (c) “Public Works Construction Project” or “Project” shall include all site preparation,
5 construction, abatement, demolition, renovation, rehabilitation and improvement under
6 the jurisdiction of the Council and paid for in whole or in part by County funds and shall
7 be limited to those projects with both (i) a projected construction cost of Seven Million
8 and no/100ths (\$7,000,000.00) Dollars or more; (ii) employing workers in three (3) or
9 more crafts, and (iii) is primarily sponsored by the County.

10
11 (d) “Subcontractor” shall mean any person with whom a construction contractor or other
12 subcontractor enters into a contract to perform a portion of any public works construction
13 project.

14
15 (e) “Union” or “Council” shall mean the New Mexico Building and Construction Trades
16 Council and its affiliated unions and any other unions that become signatory to a
17 Community Workforce Agreement governing the construction of a Public Works
18 Construction Project.

19
20 **Section 3. Use of Community Workforce Agreement**

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22 A Community Workforce Agreement may be utilized on any Public Works Construction Project
23 where, in the judgement of the County Commission, it would serve the interests of County
24 residents and taxpayers and where the total project cost is anticipated to exceed seven million
25 dollars (\$7,000,000) and where at least three (3) crafts would be employed on the Project. The
26 County may, in its discretion, direct that certain County-funded projects are not covered by a
27 Community Workforce Agreement based the size of the project, the sources of funding, or other
28 factors.

29
30 This Chapter shall apply to all Public Works Construction Projects unless the existence of a
31 Community Workforce Agreement will jeopardize State, Federal or other public funding
32 sources. In all, it shall be set forth in the bid documents for the bid documents for the Public
33 Works Construction Project as a condition of the award that the successful bidding, including
34 contractors and subcontractors at all tiers, shall be required to sign an agreement to be bound and
35 to enter into a Community Workforce Agreement. The successful general contract bidder shall
36 execute a Master Labor Agreement which will be filed with the County Clerk and shall govern
37 its work on the construction of the construction of the public works construction project
38 according to its terms.

39
40 **Section 4. Required Articles in Community Workforce Agreement**

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42 The County shall provide the required Community Workforce Agreement and the County shall
43 make it available on the County’s website upon the effective date of this Ordinance. Any
44 changes to the required Community Workforce Agreement shall be made by vote of the Board of
45 County Commissioners, and will not affect a Community Workforce Agreement in effect for a
46 specific Public Works Construction Project. Unless the Commission, by majority vote,

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determines otherwise, the Community Workforce Agreement shall contain, at a minimum, the following articles:

- (a) Coverage;
- (b) Wages, Benefits, Terms and Conditions;
- (c) Union Dispatch and Core Project Employees;
- (d) No Work Stoppages;
- (e) Management Rights;
- (f) Jurisdictional and Other Disputes;
- (g) Union Representation; and
- (h) Helmets to Hardhats.

Section 5. Compliance with State and Federal Law

This Chapter and the use of the Community Workforce Agreement shall be enforced only to the extent that it is consistent with the laws of the State of New Mexico and the United States.

Section 6. Severability

If any section, paragraph, sentence, clause, word or phrase of this Ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance. The Commission hereby declares that it would have passed this Ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provisions being declared unconstitutional or otherwise invalid.

Section 7. Compilation

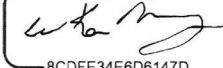
This Ordinance prescribed by Sections 1 through 8 shall be incorporated in and made a part of the Bernalillo County Code.

CONTINUATION PAGE 4, ORDINANCE 2020-20.

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
BERNALILLO COUNTY, NEW MEXICO** this 22nd day of September, 2020.

APPROVED AS TO FORM**BOARD OF COUNTY COMMISSIONERS**

DocuSigned by:



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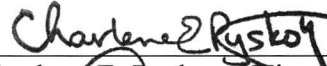
W. Ken Martinez, County Attorney

**ATTEST**

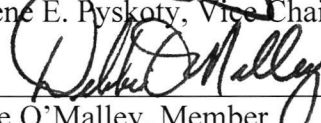
Linda Stover, County Clerk

VOTED 'NO'

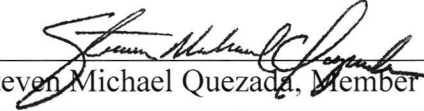
Lonnie C. Talbert, Chair



Charlene E. Pyskoty, Vice Chair



Debbie O'Malley, Member



Steven Michael Quezada, Member



James M. Collie, Member